

REMARKS

I. INTRODUCTION

Claims 1-3 and 5-6 are currently pending in the present application. Claims 1-3 and 5-6 have been rejected under 35 U.S.C. § 103(a). By the present amendment, claim 1 has been amended. No new matter has been added by the current amendment, as support thereof can be found in the present specification at, *inter alia*, page 2, lines 25-32. Applicants respectfully submit that the pending claims are now in condition for allowance.

II. REJECTIONS UNDER 35 U.S.C. §103 (a)

Claims 1-3 and 5-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,254,956 ("Kjellqvist *et al.*") in view of U.S. Patent No. 5,571,588 ("Lussi *et al.*"). Applicants respectfully submit that these rejections should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, but the prior art must also suggest combining the elements in the manner contemplated by the claim. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F. 2d 931, 934 (Fed. Cir. 1990), *cert. denied* 111 S.Ct. 296 (1990); *In re Bond*, 910 F. 2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* M.P.E.P. §2142. To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references and that, when

so modified or combined, the prior art teaches or suggests all of the claim limitations. *See* M.P.E.P. §2143. Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness.

Kjellqvist *et al.* is directed to a floor, wall or ceiling covering. The covering disclosed by Kjellqvist *et al.* “comprises one or more substantially random interpolymers prepared by polymerizing one or more α -olefin monomers with one or more vinylidene aromatic monomers and/or one or more hindered aliphatic or cycloaliphatic vinylidene monomers, and optionally with other polymerizable ethylenically unsaturated monomer(s).” Kjellqvist *et al.*, abstract. According to Kjellqvist *et al.*, “[t]he floor, wall or ceiling covering ... generally has a thickness of from about 0.025 mm to about 25 mm, preferably from about 0.1 mm to about 10 mm[, and] [f]loor coverings preferably have a thickness from about 1 mm to about 10 mm, more preferably from about 1 mm to about 5 mm, most preferably from about 1.5 mm to about 4 mm.” Kjellqvist *et al.*, col. 13, lines 4-10.

Lussi *et al.* is directed to durable inlaid floor coverings having a uniform, unpatterned decorative appearance which “are made by coating a substrate with, optionally, a smooth layer of tinted latex.” Lussi *et al.*, col. 2, lines 66-67. According to Lussi *et al.*, the optional layer of tinted latex is coated with an adhesive layer, and then a “substantially uniform layer of spheroidal particles having an aspect ratio no greater than about 2:1 is then deposited over the vinyl plastisol adhesive layer to prepare an intermediate product,” which after the application of heat, and preferably pressure, forms the inlaid floor covering (optionally including one or more wearlayers). Lussi *et al.*, col. 3, lines 3-6; *see also* Lussi *et al.*, col. 3, lines 6-17.

In contrast to the teachings of Kjellqvist *et al.* in view of Lussi *et al.*, the floor covering of the present invention, as currently recited in independent claim 1 in amended form, “has a width of 1 m to 2 m, and has no change in thickness exceeding +5% over the width.” That is, as described in the present specification, the floor covering of the presently claimed invention exhibits only an insignificant change in its thickness over its entire surface, which is an improvement over the prior art floor coverings containing elastomer materials. *See* specification, page 2, lines 15-32.

Thus, Kjellqvist *et al.* in view of Lussi *et al.* do not teach nor suggest a floor covering having “a width of 1 m to 2 m, and [having] no change in thickness exceeding +5% over the width.” Therefore, Kjellqvist *et al.* in view of Lussi *et al.* do not disclose nor suggest each and every element of the presently claimed invention, and Applicants respectfully submit that pending claims 1-3 and 5-6 are thus not rendered obvious by the cited patents.

III. CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and requests that such action be taken. If for any reason the Examiner believes that

prosecution of this application would be advanced by contact with the Applicants' attorney,
the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

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